S.B. Criminal Revision Petition No. 714/2001
S.B. Criminal Misc. Suspension of Sentence Application No. 135/2001
(Om Prakash & Ors. Versus State of Rajasthan)

Date of Order :: 13th May, 2015

HON'BLE MR. JUSTICE MAHESH CHANDRA SHARMA

Mr. Lalit Sharma for Mr. Manoj Sharma, for the petitioners
Dr. RS Shekhawat, PP for the State

This revision petition has been filed against the judgment dated 16.8.2001 passed by Additional Sessions Judge No.1, Sikar in Criminal Appeal No. 2/2001 (20/2000), whereby the appellate court while maintaining the conviction of the petitioners, as ordered by the trial court, modified the sentence as under:

U/s. 148 IPC: Released them for the period already undergone by them in custody i.e. 9 days

U/s. 323 IPC: Released them for the period already undergone by them in custody i.e. 9 days

U/s. 325 IPC: Released them for the period already undergone by them in custody i.e. 9 days, with a fine of Rs. 2000/-

U/s. 324 or 324/149 IPC: Released them for the period already undergone by them in custody i.e. 9 days, with a fine of Rs. 1000/-

U/s. 326 or 326/149 IPC: Released them for the period already undergone by them in custody i.e. 9 days, with a fine of Rs.

5000/-

In default of payment of fine U/s. 324 or 324/149 to further undergo 1 month imprisonment; under Section 325 IPC to further undergo 15 days imprisonment; U/s. 326 or 326/149 IPC to further undergo 3 months' SI. From the amount of fine so imposed, Rs. 30,000/- have been ordered to be given to injured Sanwar Mal and Rs. 10,000/- have been ordered to be given to injured Pradeep.

The only request has been made by learned counsel for the petitioners is that the amount of fine imposed upon the petitioners should be reduced from Rs. 56,000/- to Rs. 35,000/- on the ground that petitioners are poor persons and the incident took place in the year 1991 i.e. about 24 years ago and the petitioners are facing the trial since the last 24 years; and they have remained in custody. He has further requested that the amount of fine so reduced may be given to the injured persons.

Learned PP appearing for the State has opposed the same.

I have heard learned counsel for the respective parties and carefully perused the relevant material on record.

Looking to the facts and

circumstances of the case, the fine so imposed upon the petitioners by the court below is reduced from Rs. 56,000/- to Rs. 35,000/- and the petitioners are directed to deposit the same with the court below within a period of 3 months. Upon deposition of the amount of fine by the petitioners, the same may be given to the injured persons upon an application being moved by them in this regard. Rest of the terms of the judgment of the court below shall remain unchanged.

The revision petition as also the suspension of sentence application, both stand disposed of accordingly.

Impugned judgment stands modified, as indicated above.

(Mahesh Chandra Sharma) J.

DK

All corrections made in the judgment / order have been incorporated in the judgment / order being E-mailed.

Dilip Khandelwal
PA